



# ARIZONA HOUSE OF REPRESENTATIVES

Fifty-sixth Legislature  
First Regular Session

House: GOV DP 8-1-0-0 | 3<sup>rd</sup> Read 54-6-0-0

Senate: COM DP 4-1-2-0 | GOV DPA/SE 4-3-1-0 | 3<sup>rd</sup> Read 16-13-1-0

## HB 2545: legislators; unpaid leave of absence

**NOW: public health emergency; sovereignty; limitations**

**Sponsor: Representative McGarr, LD 17**

**Senate Engrossed**

The House Engrossed version of HB 2545 stipulates restrictions on an employer of a member of the Legislature during session.

The Senate adopted a strike-everything amendment that does the following:

### Overview

Outlines regulations for the Governor when issuing a public health emergency (emergency) proclamation and prohibits Arizona and all political subdivisions of Arizona from using any personnel or financial resources to enforce, administer or cooperate with an emergency order based on an agreement or recommendations from an international governmental organization.

### History

During a state of emergency or state of war emergency, the governor has complete authority over all agencies of the state government and the right to exercise, within the area designated, all police power vested in this state by the constitution and laws of this state. The powers granted to the governor, concerning a state of emergency, must terminate when the state of emergency has been terminated by proclamation of the governor or by concurrent resolution of the legislature declaring it at an end ([A.R.S. § 26-303](#)).

Under current law, the Governor, beginning January 2, 2023, can issue an initial proclamation, concerning a state of emergency, for an emergency, in which there is an occurrence or imminent threat of an illness or health condition that is caused by bioterrorism, an epidemic or pandemic disease or a highly fatal infectious agent or biological toxin and that poses a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability, for 30 days and can extend the emergency for an additional 30 days, up to a total of 120 days. After 120 days the state of emergency is terminated unless it is extended by a concurrent resolution of the Legislature. Additionally, the Legislature may extend the state of emergency as many times as necessary by a concurrent resolution, but only for 30 days at a time. If a state of emergency for a public health emergency is not extended, the governor may not proclaim a new state of emergency based on the same conditions without a concurrent resolution by the Legislature consenting to the new state of emergency (A.R.S §§ [26-303](#) and [36-787](#)).

A *state of emergency* is defined as the duly proclaimed existence of conditions of disaster or extreme peril to the safety of persons or property within the state caused by air pollution, fire, flood or floodwater, storm, epidemic, riot, earthquake or other causes, except those resulting in a state of war emergency ([A.R.S. § 26-301](#)).

<input type="checkbox"/> Prop 105 (45 votes)	<input type="checkbox"/> Prop 108 (40 votes)	<input type="checkbox"/> Emergency (40 votes)	<input type="checkbox"/> Fiscal Note
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## Provisions

1. Prohibits Arizona and all political subdivisions of Arizona from using any personnel or financial resources to enforce, administer or cooperate with an emergency order based on an agreement or recommendations from an international governmental organization unless the order has been ratified as a treaty by the U.S. Senate, affirmed by a vote of the U.S. Congress and signed into law. (Sec. 1)
2. Authorizes the Governor to proclaim an emergency for only seven days based on hazardous public health conditions. (Sec. 1)
3. States the Governor can proclaim an emergency beyond seven days only on a two-thirds vote of the Arizona Legislature. (Sec. 1)
4. Restricts the Governor from imposing any policy or using an emergency to require lockdowns or mandate business closures. (Sec. 1)
5. States lockdown prohibitions do not apply to the following:
  - a) A biological or chemical weapons attack carried out against Arizona or a political subdivision of Arizona; or
  - b) A natural disaster that results in significant adverse public health effects due to toxic contamination, the proliferation of raw sewage or other severe disaster-related health impacts. (Sec. 1)
6. Stipulates that lockdown exemptions are limited to only the precise area of impact and can only last seven days. (Sec. 1)
7. Specifies that after seven days, the Arizona Legislature must require a two-thirds vote to reissue the temporary lockdown. (Sec. 1)
8. Prohibits state or county officials from implementing criminal penalties against individuals or citizens who violate the lockdown prohibition. (Sec. 1)
9. Permits the Governor to extend a proclaimed emergency for an additional seven days only on a two-thirds vote of the Arizona Legislature and specifies that for each subsequent seven-day extension the Arizona Legislature's approval is required. (Sec. 1)
10. Asserts that if the Governor does not file a seven-day extension of an emergency proclamation with the Arizona Legislature the emergency is assumed to be terminated. (Sec. 1)
11. Instructs the Governor to request a seven-day extension of an emergency proclamation three days before the expiration of the current emergency proclamation. (Sec. 1)
12. States that if the Legislature does not extend the proclaimed emergency, the Governor is prohibited from proclaiming a new emergency arising out of the same conditions for which the terminated emergency was proclaimed. (Sec. 1)
13. States this act may be cited as the *Preventing International Influence on Public Health Emergencies Act of 2023*. (Sec. 3)
14. Defines *emergency* and *international governmental organization*. (Sec. 1)
15. Contains a severability clause. (Sec. 2)